

ing shipment by said corporation in violation of the Food and Drugs Act, on or about April 2 and July 10, 1936, from the State of New York into the States of Connecticut and New Jersey, respectively, of quantities of boric acid that was misbranded. The two lots of the article were labeled in part, respectively: "Boric Acid U. S. P., prepared expressly for Syl-May * * * Stamford, Conn."; "Boric Acid Powdered Pure U. S. P., Zenith Drug, Inc., New York, N. Y."

It was alleged to be misbranded in that the statements "8 ounces" and "4 Oz., borne on the labels, were false and misleading since they represented that each of the packages contained 8 ounces in the case of one lot and 4 ounces in the case of the other; whereas each of the packages did not contain the said amounts but did contain less amounts.

On September 8, 1937, a plea of guilty was entered and the defendant was sentenced to pay a fine of \$20.

W. R. GREGG, *Acting Secretary of Agriculture.*

28705. Misbranding of Renolin. U. S. v. 33 Bottles of Renolin. Default decree of condemnation and destruction. (F. & D. No. 40950. Sample Nos. 11994-C, 55076-C.)

The labeling of this product bore false and fraudulent curative and therapeutic claims. It also conveyed the impression that the article could be used without ill effects, whereas its use might produce serious ill effects.

On November 29, 1937, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 33 bottles of Renolin at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about July 9 and October 18, 1937, from Bradford, N. H., by the Renolin Co., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of the article showed that each tablet contained approximately 5 grains of cinchophen, 1.5 grains of aminopyrine, 2.8 grains of calcium carbonate, and a trace of phenolphthalein.

The article was alleged to be misbranded in that the following statements appearing upon the package and in a circular contained in the package were false and misleading since they created the impression that the article might be consumed in accordance with the directions without risk of ill effects; whereas it might not be so consumed but only with the risk of serious ill effects: (Bottle label) "A Relief for Rheumatism (Uric Acid Eliminant) * * * 1 or 2 Tablets with a glassful of Water after each meal and at bedtime"; (carton) "A Relief for Pain Articular and Muscular of Neuralgias Rheumatism Lumbago Sciatica and Gout * * * One or two Tablets with a glassful of water after each meal and at bedtime"; (circular) "For the Relief of Pain Articular and Muscular of Neuralgias, Rheumatism, Lumbago, Sciatica and Gout, Renolin contains no * * * Narcotics nor Habit Forming Drugs and does not harm the heart. Directions Take one or two tablets a short time after each meal and at bedtime as needed. Wash tablets down with a glassful of water. When prolonged treatment is necessary and the heavier dosage is employed, it is recommended that at the end of three or four days, the tablets be stopped entirely for three days and then resumed as before. * * * when needed Sodium Phosphate taken before breakfast, is highly recommended for keeping the bowels in proper condition. A tickling sensation or gas on the stomach occasionally takes place from the use of Renolin. This condition seldom occurs if plenty of water is consumed and may be entirely overcome by taking one-half teaspoonful of Bicarbonate of Soda (common soda) dissolved in the glassful of water with which the tablets are swallowed. In all cases drink plenty of good pure water. Renolin being antirheumatic * * * more efficient, rapid and less irritating in action and in many respects more desirable for the treatment of rheumatic pains, many prefer Renolin." Further misbranding was alleged in that the foregoing statements were false and fraudulent since they created the impression that the article was a safe and appropriate remedy for the disorders mentioned, when it was a dangerous drug.

On February 14, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

28706. Misbranding of Dr. Grabill's Prescription No. 1313. U. S. v. Hi-Test Laboratories, Inc. Plea of nolo contendere. Judgment of guilty. Fine, \$100 and costs. (F. & D. No. 36980. Sample Nos. 32280-B, 32654-B.)

This product was misbranded because of false and fraudulent curative and therapeutic claims in the labeling. It also was labeled to indicate that it was

harmless, whereas it was a harmful and dangerous preparation which contained cinchophen.

On May 15, 1936, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Hi-Test Laboratories, Inc., Cleveland, Ohio, alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about July 10 and August 6, 1935, from the State of Ohio into the States of Tennessee and Missouri, respectively, of quantities of Dr. Grabill's Prescription No. 1313 which was misbranded. The article, which consisted of tablets, was labeled in part: "Distributed by Hi-Test Laboratories, Cleveland, Ohio."

Samples from each of the two shipments were found to contain 7.71 grains and 7.72 grains, respectively, of cinchophen per tablet.

The article was alleged to be misbranded in that certain statements regarding its therapeutic and curative effects, borne on the package label, falsely and fraudulently represented that it was effective as a relief from rheumatism, sciatica, neuralgia, lumbago, sore muscles, neuritis, and arthritis; and effective to assist in the elimination of acid poisons. It was alleged to be misbranded further in that the statements, "Contains No Narcotics and Are not Habit Forming Prescribed by Leading Physicians Directions," were false and misleading in that they represented that the article when taken in accordance with directions, was harmless; whereas it was a harmful and dangerous preparation which contained cinchophen.

On November 8, 1937, the defendant entered a plea of *nolo contendere*, was found guilty by the court, and sentenced to pay a fine of \$100 and costs.

W. R. GREGG, *Acting Secretary of Agriculture.*

28707. Misbranding of Happy Day Headache Powders. U. S. v. 504 Packages of Happy Day Headache Powders. Default decree of condemnation and destruction. (F. & D. No. 40637. Sample No. 53375-C.)

The labeling of this product bore false and fraudulent representations regarding its curative and therapeutic effects.

On November 3, 1937, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 504 packages of Happy Day Headache Powders at Birmingham, Ala., alleging that the article had been shipped in interstate commerce on or about July 31, 1937, from Lafayette, La., by Gulf Laboratories Co., Inc., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article showed that the powders each contained approximately 2.4 grains of acetanilid, 3.2 grains of aspirin, 0.4 grain of caffeine, and 0.2 grain of phenolphthalein, together with milk sugar and a small amount of citric acid.

The article was alleged to be misbranded in that the following statements regarding its curative and therapeutic effects were false and fraudulent: (Package label) "For the Relief of Discomfort Arising from * * * Nervousness * * * Women will find this especially beneficial during painful menstrual periods"; (white circular) "Pains Caused by Menstrual Disturbances * * * For Relief of * * * Tonsillitis * * * 'for throat irritations such as tonsillitis' * * * 'for pains caused by menstrual disturbances.' * * * 'will give relief from flu * * * nervousness.' * * * 'Happy Day is an outstanding remedy.' * * * 'quick relief from pain and discomfort due to * * * rheumatism, influenza, throat irritations and nervousness'"; (leaflet) "Happy Day For The Flu * * * nervousness * * * will give relief to people suffering from the flu * * * for throat irritations such as tonsillitis * * * Happy Day Will Afford Relief From Pains Due to Rheumatism * * * will afford amazingly quick relief from pains and discomfort due to * * * rheumatism, influenza, throat irritations and nervousness. * * * for rheumatic pains, nervousness * * * for irritations of the throat * * * quickly relieve pains caused by * * * rheumatic pains * * * an outstanding remedy * * *. Will Relieve Pain Caused by Menstrual Disturbances * * * will particularly afford relief from pain caused from menstrual disturbances. * * * effective for the treatment of headaches and ailments of similar nature."

On February 25, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*